

Message Text

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ACTION L-03

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 8841

USMISSION USUN NEW YORK IMMEDIATE

INFO AMEMBASSY BRUSSELS

C O N F I D E N T I A L BONN 16824

E. O. 11652: GDS

TAGS: UNGA, PINS, GW

SUBJECT: UNGA - LEGAL COMMITTEE - CONVENTION ON
PROTECTION OF DIPLOMATS

REF: STATE 229322

1. FROM DISCUSSION WITH BUETOW (FONOFF LEGAL) EMBASSY UNDERSTANDS THAT WEO'S ARE AGREED TO OPPOSE AFRO/ARAB AMENDMENT. BUETOW INDICATED THAT NEGOTIATIONS OF SUB-GROUP (UK, MALI, KENYA, IRAQ) NOVEMBER 20 HAVE RESULTED IN AD REFERENDUM COMPROMISE WITH TWO ELEMENTS: (A) CLAUSE FOR CONVENTION PERMITTING STATES TO MAKE RESERVATIONS TO PROVISIONS OF CONVENTION WITH EXCEPTION OF BASIC PROVISIONS CONTAINED IN ARTICLES 1, 2, 2(A), 6, 8 AND 11; AND (B) RESOLUTION, SEPARATE FROM CONVENTION, STATING THAT THE PROVISIONS OF THE CONVENTION CANNOT PREJUDICE THE EXERCISE OF LEGITIMATE RIGHT TO SELF-DETERMINATION, ETC., AND THE DECLARATION ON FRIENDLY RELATIONS AND COOPERATION AMONG STATES.

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2. FONOFF WITH SOME MISGIVINGS IS PREPARED TO AGREE TO (B) AS IT IS SEPARATE FROM CONVENTION AND TWICE PROVIDES "IN ACCORDANCE WITH THE UN CHARTER", CHARTER BEING SEEN BY FONOFF AS ITSELF OPPOSING ACTS AGAINST DIPLOMATS CONTRARY TO THEIR CHARTER-PROVIDED INALIEN-ABLE RIGHT TO LIFE AND FREEDOM. FRG BELIEVES DECLARATIONS BY STATES AGREEING TO RESOLUTION IS DESIRABLE TO COUNTERACT POSSIBLE TENDENCY TO HAVE RESOLUTION BECOME AN ESCAPE CLAUSE FROM OBLIGATIONS OF CONVENTION. RE (A), FONOFF IS PREPARED TO GO ALONG IF IT BECOMES CLEAR THAT IT IS INSEPARABLE PART OF PACKAGE WITH (B), AS IT WOULD LEAVE BASIC OBLIGATIONS AND CONDEMNATION OF ATTACKS AGAINST DIPLOMATS INTACT, ANY RESERVATION RE ARTICLE 7 STILL LEAVING INTACT THE ARTICLE 6 OBLIGATION TO SUBMIT FOR PROSECUTION.

3. BUETOW TRANSMITTING INSTRUCTION ALONG ABOVE LINES TO FRG UN MISSION ASAP PRIOR TO MEETING OF SUB-GROUP, SCHEDULED FOR EVENING NOVEMBER 21, WHICH ALGERIA IS JOINING. UK REP AT THIS MEETING HOPES TO HAVE INDICATION THAT ALL OR MOST WEO'S SUPPORT AD REFERENDUM COMPROMISE.

4. BUETOW EXPRESSED HOPE THAT AS COMPROMISE IS IMPROVEMENT OVER RIGHT OF STATES TO REFUSE TO APPLY CONVENTION TO STATES IT SPECIFIES, US COULD SUPPORT IT. HE SEES LIKELIHOOD OF DEFEATING AFRO/ASIAN AMENDMENT (WHICH APPEARS TO HIM TO HAVE 50 SUPPORTING STATES AND MANY MORE LIKELY TO ABSTAIN) SUBSTANTIALLY ENHANCED IF SUB-GROUP COMPROMISE IS ACCEPTED IN SUB-GROUP AND LIKELY TO GET DECISIVE SUPPORT IN 6TH CTE. HILLENBRAND

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